

MAR 10 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUITIN RE COMPLAINT OF
JUDICIAL MISCONDUCT

No. 08-90199

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint has been filed against a magistrate judge assigned to complainant's habeas petition. Nine years after a district judge dismissed the petition, complainant tried to file several motions and other documents. The subject judge rejected the filings.

Complainant alleges that the subject judge was without power to reject his dispositive filings because such decisions can only be made by an Article III judge. This charge, which amounts to a jurisdictional objection, relates directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982). It also appears to be wrong. The docket sheet reveals that a district judge entered the order that resulted in complainant's dispositive motions being rejected. Docket Entry #30.

DISMISSED.